Remarks

The Examiner's acknowledgement and thoughtful consideration of the Amendment filed October 7, 2004 is noted with appreciation. Claims 1-10 are now pending in the application.

The Official Action indicates that corrected drawing sheets are required. The Applicant respectfully submits that the objection regarding drawings was issued in error because the application does not include drawings. Drawings in a patent application are only required if they are necessary for the understanding of the subject matter sought to be patented. 37 C.F.R. § 1.81(a). Drawings are not necessary to understand the subject matter of this application. As such, no drawings are required, and none have been included in the application. Thus, it is requested that the objection to the drawings be reconsidered and withdrawn.

Claims 1-7 have been rejected under 35 U.S.C. § 102 as anticipated by White. The rejection states that the recitation "the sequence for searching being variable and being determined by at least one variable factor" is inherently disclosed by White. Specifically, the Official Action indicates that the "hunt group" of White performs a search sequence that is determined by variables, such as "busy destination" and "idle not busy" conditions.

Claim 1 has been amended to recite the step of sequentially searching through the real addresses according to a predetermined ordered sequence until a positive response is obtained from one of the real addresses. The newly recited feature more clearly describes this invention and further distinguishes this invention from White. White does not describe or suggest any particular order in which the hunt group lines are to be queried. The reason for this is that every line in the hunt group is equivalent. No particular line is any better than the next. In sharp contrast, this invention prioritizes the available real addresses in an ordered sequence based on time of day, day of week or

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other relevant variable factor so that the most appropriate real address is tried first. The most appropriate real address may be, for example, the one that is most likely to be successful – as determined by the learning process described on page 4, line 24 through page 5, line 6 of the specification.

Further, White does not disclose, explicitly or implicitly, that the sequence for querying the hunt group lines be predetermined. There is no description in White that the order in which lines are searched be decided at anytime before the actual searching is done. Further, in the event that a dial-up user cannot reach the Internet Service Provider (ISP) due to traffic overload (if all of the lines in the hunt group are busy) the call to the ISP is dynamically rerouted. The lines to which calls are rerouted are obtained from the telephone company on demand. The processing program provided by the ISP specifies line redirection dynamically, based on current usage of the available lines. As such, the order in which the lines are searched cannot be predetermined. Therefore, neither the "hunt group" lines nor the alternate (overload) lines are queried in a predetermined ordered sequence as recited in the claim.

Claim 1 has also been amended to recite the step of correlating at least one variable factor with failure and/or success in establishing communications with the real addresses. As explained in the specification at, for example, page 4, line 21 and following, the success or failure in establishing communications can be stored in memory together with variable factors, including the time of day and date of the call. In this way, the success or failure in establishing communications is correlated with the variable factors.

Claim 1 also now recites the step of determining a new order of the sequence for sequentially searching through the real addresses based on the correlation. This is described in the specification,

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for example, on page 4, line 24 through page 5, line 6. White fails to disclose the steps of correlating success or failure in establishing communications with variable factors and then using the correlation to determine a new order for sequentially searching the real addresses. In sharp contrast to this invention, White only discloses that hunt group searching can be performed randomly. While White discloses the storage of various records with respect to calls to the ISP, White does not disclose a learning process (or any other process) that uses those records to modify or otherwise determine a new order in which the hunt group should be searched for subsequent calls.

In the system of White, the ISP uses the same method to specify line redirection after records are stored as it did before records were stored. The method of line redirection is based on specific action conditions that are independent of the stored records. *See, e.g.*, col. 4, line 67 through col. 5, line 3. White may use the recorded data to determine if additional lines should be added to the hunt groups or obtained from the telephone company. However, never is a correlation between success or failure in establishing communications and a variable factor used to determine a new order for which hunt group lines or overload lines will be searched. Therefore, White fails to describe or suggest the use of a correlation between success or failure in establishing communications and a variable factor to determine a new order for sequentially searching real addresses.

There is also no motivation to modify White to use a correlation between success or failure in establishing communication and a variable factor to determine a new order for searching the hunt groups. The purpose of White is to provide an adequate number of telephone lines so that all users can reach the ISP. Once a line is found and assigned to the call, each individual line performs exactly the same function. No line is any better than the next. Rerouting the call is merely a matter of finding a line that is not already in use. Therefore, there is no reason to determine an optimal

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sequence for searching the lines. In fact, any search sequence with a set, predetermined order would be the most inefficient method of searching the lines because the first line to be searched would always be the first to be utilized, and thus the busiest line. As such, the first line searched would necessarily be the least likely to be available. If White were to use any predetermined sequence for searching the hunt group (which White does not), the most efficient or optimum sequence would be one that is randomly determined for each search. In that way, the same line would not always be searched and utilized first, and would, therefore, not necessarily become the least likely to be available. Because a random search sequence would be the most efficient, there is no reason to determine a new ordered search sequence based on a correlation between success or failure in establishing communication and a variable factor. For this reason, one skilled in the art would have no motivation to modify White to arrive at the claimed invention. Thus, claim 1 and its dependent claims 2-6, 8 and 9 are novel and non-obvious over White.

Claim 7 has also been amended to more clearly define the invention. In addition to reciting means for modeling optimal sequences, claim 7 now also recites means for changing the order in which the addresses are sequentially called based on the optimal sequences. White fails to disclose a system that changes the order in which addresses are sequentially searched based on optimal sequences. First, White fails to model optimal sequences. As explained above, White merely records data relating to calls to the ISP. White does not disclose the step of using the data to find an optimal sequence for searching hunt groups. Second, White includes no description or suggestion to change an order in which hunt groups are searched based on optimal sequences. As discussed above, White merely specifies line redirection based on specific action conditions that are independent of previous success or failure in establishing communications. There is no disclosure with respect to
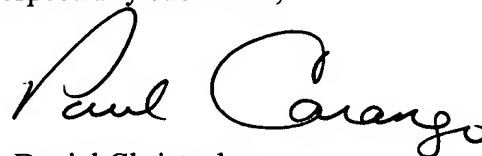
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modeling optimal sequences, and then change the order in which real addresses are searched based on the optimal sequences. For at least these reasons, claim 7 is also novel and non-obvious over White.

Claim 10 has been added to the application. It is respectfully submitted that new claim 10 is likewise patentable over White. The new claim is directed to a process for establishing communications with a specific destination station having a plurality of real addresses. The process includes, among other steps, recording data that includes the real address from which a positive response was received and at least the time of day or day of week. The process also includes the steps of processing the data to determine an optimal order to sequentially search the real addresses for a particular time of day or day of week and changing the order in which the real addresses are sequentially searched for that time of day or day of week.

As explained above, White fails to teach or suggest a system in which an optimal order for sequentially searching real addresses is determined, much less one that includes the step of changing the sequence for searching after determining the optimal order. White merely provides a number of different telephone lines for reaching an ISP. Each of the non-busy lines is just as good as the next non-busy line, and none of the lines would have a greater likelihood of success than the others. There would be no reason to determine an optimal order for searching the lines, because, in White, it is simply a matter of finding a non-busy line out of a group of lines that all perform the same function in the same way. Because none of the lines is any better than the others, there would be no motivation to modify White to determine an optimal sequence for searching the hunt groups, and no reason to use such an optimal sequence to search them. Therefore, claim 10 is also novel and non-obvious over White.

For the reasons set forth above, it is respectfully submitted that the claims are patentable over White. Thus, it is requested that all of the rejections and objections set forth in the Official Action be reconsidered and withdrawn. It is submitted that the entire application is now in condition for allowance, which action is respectfully requested.

Respectfully submitted,

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